

Reply to Office Action dated September 19, 2005

REMARKS

Claims 1-7 and 10-18 are pending in the application. By this Amendment, the Abstract and claims 1, 6-7, 11, and 12 are amended. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

The Office Action rejected claims 1 and 12 under 35 U.S.C. §112, first paragraph as allegedly not being enabling for containing a negative limitation. Independent claims 1 and 12 are amended to eliminate the terminology to which the Examiner objected. Accordingly, the rejection is obviated and should be withdrawn.

The Office Action rejected claims 1-7 and 10-18 under 37 U.S.C. §103(a) as being unpatentable over Takagi et al. (hereinafter "Takagi"), U.S. Patent No. 5,881,231 in view of Steele et al. (hereinafter "Steele"), U.S. Patent No. 6,564,047. The rejection is respectfully traversed.

The Office Action asserts that Takagi discloses all of the claimed features of independent claims 1 and 7 except Takagi does not explicitly teach "wherein said transferring condition

information includes a blocking time period set in the first mobile terminal of when not to permit a file transfer to occur by the first mobile terminal.” The Examiner then asserts that “Steele discloses a wireless environment wherein the network devices stored the attributes in a management database for allowing, forbidding (restrict or not permit) and limit access of each network device,” referring to column 11, lines 14-47 of Steele. That Examiner then concludes that “it would have been obvious to [one of] ordinary skill in the art at the time the invention was made to incorporate the attributes or transfer condition of the mobile device for allowing, restricting or limiting access as taught by Steele into Takagi’s apparatus in order to utilize time management.”

However, in the Takagi methodology, a time when a user needs information is predicted from prediction of the user’s behavior and the information is delivered to the user and terminal 10 at the predicted time. The prediction means (elements 12, 17, and 20) in the terminal 10 create and store the transfer condition information in the terminal 10. In contrast, in the claimed inventions of independent claims 1 and 7, the first mobile terminal, which is connected through the mobile communication network, transfers the information. Thus, Takagi does not disclose or suggest storing a data file and transfer conditioning information thereof received from a first mobile terminal connected through the mobile communication network, as recited in independent claims 1 and 7.

Further, because in the Takagi methodology a time when a user needs information is predicted from prediction of the user’s behavior and the information is delivered to the user and terminal 10 at the predicted time, there would have been no motivation to modify Takagi as

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suggested by the Examiner. Placing blocking times as proposed by the Examiner could prevent transfer of the needed information at the predicted time and destroy Takagi for its intended use. Clearly, the Examiner's proposed combination is based on impermissible hindsight gleaned from Applicant's own disclosure.

Accordingly, the rejection of independent claims 1 and 7 over the combination of Takagi and Steele should be withdrawn. Dependent claims 2-6 and 8-11 are allowable over the combination of Takagi and Steele for at least the reasons discussed above with respect to independent claims 1 and 7, from which they respectively depend, as well as for their added features.

Independent claim 12 recites requesting a blocking time period be set in a first mobile terminal during which a file transfer is blocked; selecting a file to transfer to a second mobile terminal; receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the time period during which the transfer is blocked, said display also including a size of the file to be transferred; and delaying the file transfer until the second mobile terminal is connected to an external apparatus having a sufficient memory capacity to store the size of the file to be transferred. Takagi and Steele, taken alone or in combination, fail to disclose or suggest all of the features of independent claim 12, or the respective claimed combination.

The Office Action indicates that Takagi teaches the step of receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the time period during which the transfer is blocked, said display

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also including a size of the file to be transferred at col. 16, lines 38-65. However, this section of Takagi says nothing regarding a display message, much less receiving by the second mobile terminal, a display message indicating the file selected by the first mobile terminal is ready for transfer at a time not within the time period during which the transfer is blocked, said display also including a size of the file to be transferred. Also, the Office Action indicates that Takagi teaches delaying the file transfer until the second mobile terminal is connected to an external apparatus having a sufficient memory capacity to store the size of the file to be transferred at col. 17, line 7, col. 18, lines 21-50, col. 22, line 56 et. seq., col. 23, lines 59-67, and col. 30, line 53-67. However, these sections of Takagi say nothing regarding delaying the file transfer until the second mobile terminal is connected to an external apparatus having a sufficient memory capacity to store the size of the file to be transferred.

Further, as set forth above, because in the Takagi methodology a time when a user needs information is predicted from prediction of the user's behavior and the information is delivered to the user and terminal 10 at the predicted time, there would have been no motivation to modify Takagi as suggested by the Examiner. Placing blocking times as proposed by the Examiner could prevent transfer of the needed information at the predicted time and destroy Takagi for its intended use. Clearly, the Examiner's proposed combination is based on impermissible hindsight gleaned from Applicant's own disclosure.

Accordingly, the rejection of independent claim 12 over the combination of Takagi and Steele should be withdrawn. Dependent claims 13-18 are allowable over the combination of

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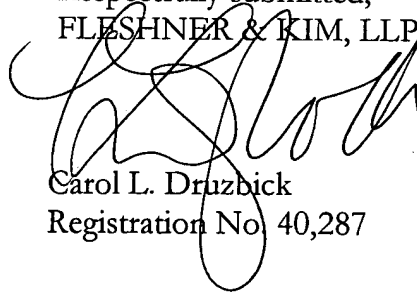
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Takagi and Steele for at least the reasons discussed above with respect to independent claim 12, from which they depend, as well as for their added features.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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